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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15

16 SAN FRANCISCANS SUPPORTING
17 PROP B, et al.,

18 Plaintiffs,

19 v.

20 DAVID CHIU, in his official capacity as
City Attorney of San Francisco, et al.

21 Defendants.
22

) Case No: 3:22-cv-02785 CRB

) **STIPULATION**
) **AND ORDER**

) The Hon. Charles R. Breyer

23 Pursuant to Local Rule 7-12, the parties, by and through their
24 respective attorneys, stipulate and agree as follows:
25

26 WHEREAS, on June 1, 2022, the Court denied Plaintiffs' motion for a
27 temporary restraining order and preliminary injunction;

1 WHEREAS, on June 3, 2022, Plaintiffs noticed an interlocutory appeal
2 from that order;

3 WHEREAS, Defendants would respond to the Complaint by filing a
4 motion to dismiss for failure to state a claim;

5 WHEREAS, “[t]he filing of a notice of appeal is an event of
6 jurisdictional significance—it confers jurisdiction on the court of appeals
7 and divests the district court of its control over those aspects of the case
8 involved in the appeal,” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S.
9 56, 58 (1982);

10 WHEREAS, “the power to stay proceedings is incidental to the power
11 inherent in every court to control the disposition of the causes on its
12 docket with economy of time and effort for itself, for counsel, and for
13 litigants,” *Landis v. North American Co.*, 299 U.S. 248, 254 (1936); and

14 WHEREAS, a stay of the proceedings in this Court pending appeal
15 would cause no injury; the parties would be prejudiced by needlessly
16 proceeding in both courts simultaneously; and the orderly course of justice
17 supports the issuance of a stay, *Lockyer v. Mirant Corp.*, 398 F.3d 1098,
18 1110 (9th Cir. 2005),

19 THEREFORE, the parties hereby stipulate and agree that all further
20 proceedings and deadlines in this case be stayed pending the issuance of
21 the Ninth Circuit’s mandate in Plaintiffs’ interlocutory appeal, and that
22 Defendants shall have until 30 days from the mandate’s filing in this
23 Court to respond to Plaintiffs’ complaint.

1 Dated: June 7, 2022

Alan Gura
Alan Gura
Institute for Free Speech
Counsel for Plaintiffs

4 Dated: June 7, 2022

Tara M. Steeley
Tara M. Steeley
Deputy City Attorney
Counsel for Defendants

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 Dated: June __, 2022

The Hon. Charles R. Breyer
United States District Judge